

implements the use of static initiation fracture toughness behavior to evaluate the controlled heatup and cooldown process of a reactor vessel. The NRC staff has required use of the initial conservatism of the K_{Ia} curve since 1974 when the curve was codified. This initial conservatism was necessary due to the limited knowledge of RPV materials. Since 1974, additional knowledge has been gained about RPV materials which demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. In addition, P-T curves based on the K_{Ic} curve will enhance overall plant safety by opening the P-T operating window with the greatest safety benefit in the region of low-temperature operations.

Since the reactor coolant system P-T operating window is defined by the P-T operating and test limit curves developed in accordance with ASME section XI, Appendix G, continued operation of Limerick Unit 2 with these P-T curves without the relief provided by ASME Code Case N-640 would unnecessarily require the licensee to maintain the RPV at a temperature exceeding 212 °F in a limited operating window during pressure tests. Consequently, steam vapor hazards would continue to be one of the safety concerns for personnel conducting inspections in primary containment. Implementation of the proposed P-T curves, as allowed by ASME Code Case N-640, continues to maintain an adequate margin of safety and would eliminate steam vapor hazards by allowing inspections in primary containment to be conducted at a lower coolant temperature. Thus, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation will continue to be served.

Pursuant to 10 CFR 50.12(a), the Commission may, upon application by an interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when: (1) The exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. As stated in 10 CFR 50.12(a)(2)(ii), these special circumstances include situations in which "Application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule; * * *". The staff examined the licensee's rationale to support the exemption

request and determined that the use of the code case would meet the underlying purpose of 10 CFR Part 50, Appendix G; therefore, application of the assumed flaw types and the K_{Ia} equation in Appendix G to section XI of the ASME Code, as invoked by the rule, is not necessary to meet the underlying purpose of the regulation, and thus meets the special circumstance criterion of 10 CFR 50.12(a)(2)(ii) for granting the exemption request. Based upon a consideration of the conservatism that is explicitly incorporated into the methodologies of 10 CFR Part 50, Appendix G; Appendix G of the ASME Code; and Regulatory Guide 1.99, Revision 2; the staff concludes that application of the code case as described would provide an adequate margin of safety against brittle failure of the RPV. This is also consistent with the determination that the NRC staff has reached for other licensees under similar conditions based on the same considerations, including Quad Cities Nuclear Power Station, Units 1 and 2, exemption dated February 4, 2000. Therefore, the staff concludes that granting an exemption under the special circumstances provision of 10 CFR 50.12(a)(2)(ii) is appropriate, and that the methodology contained in Code Case N-640 would serve the underlying purpose of the rule for Limerick Unit 2.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a): (1) The exemption is authorized by law, will not endanger life or property or common defense and security, and is otherwise in the public interest; and (2) special circumstances are present. Therefore, the Commission hereby grants Exelon Generation Company an exemption from the requirements of 10 CFR Part 50, Appendix G, for Limerick Unit 2.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 15913).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 21st day of March 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

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RAILROAD RETIREMENT BOARD

Notice of Public Meeting; Sunshine Act

Notice was previously published at 66 FR 14944 on March 14, 2001, that the Railroad Retirement Board would hold a meeting on March 20, 2001, 10 a.m., at the Board's meeting room on the 8th floor of its headquarters building, 844 North Rush Street, Chicago, Illinois 60611. This meeting has been rescheduled to March 27, 2001, at 10 a.m. The agenda remains the same.

The entire meeting will be closed to the public. The person to contact for more information is Beatrice Ezerski, Secretary to the Board, Phone No. 312-751-4920.

Dated: March 20, 2001.

Beatrice Ezerski,

Secretary to the Board.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27359]

Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 19, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 12, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or laws that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 12, 2001, the